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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,123	12/31/2003	Steven M. Blumenfeld	06975-421001 / Communicat	1741
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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WANG, KENT F	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,123

Applicant(s)

BLUMENFELD, STEVEN M.

Examiner

Kent Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-37 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION*Election/Restrictions*

1. Claims 38-40 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/26/2007.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. The table below shows just a few of the many minor errors through the specification:

Page no	Line no	Mislabeled character	Corrected character
13	14	260A, and 280A	260A, 270A, and 280A
13	27	crowd 260 as a backstage	crowd as a backstage
15	4	in GUI 200A,	in 200A,
17	14	330C).	340C).
18	22	300F in Fig. 3E	300F in Fig. 3F
18	23	flow chart 400	flow chart 400A
19	7, 8, 13	host 404	host 402
20	17	stream to the client 401 (470A)	stream (470A) to the client 401
20	29	to backstage 210,	to backstage 210A,
20	29	a premium section 240	a premium section 240A
21	2	400, the client	400B, the client

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Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

6. Claims 25-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 25-36 defined a program for executing the multimedia experience method embodying functional descriptive material. However, the claims do not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-

readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). That is, the scope of the presently claimed a program for executing the multimedia experience method can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claims to embody the program on “computer-readable medium encoded with a computer program” or equivalent in order to make the claims statutory. Any amendment to the claims should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 8, 14-21, and 23-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by McClintock, US 5,598,208.

Regarding claim 1, McClintock discloses a method of presenting a user with a multimedia experience (video viewing and recording) corresponding to an entertainment event or venue (amusement ride such as a roller coaster), the method comprising:

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- managing a sensor array (a plurality of video cameras 22, Fig 5) having at least two sensors (22a, 22b, 22c, and 22d, Fig 5) that are made configured to provide a stream of data units (a plurality of video monitors showing the selected sequential output of the video) (col. 4, line 62 to col. 5, line 13 and col. 5, lines 52-64);
- associating location information with sensors (n video cameras 202a to 202d, Fig 7) in the sensor array (position sensors of camera 206, Fig 7) (col. 8, lines 39-57);
- enabling the user to perceive a map (viewstation 30, Fig 2) related to an entertainment event or venue (current events being viewed) (col. 5, line 52 to col. 6, line 4);
- relating the perceived map (viewstation 30, Fig 2) to one or more sensors (respectively video cameras 22a-22d) within the sensor array (col. 6, lines 5-35);
- receiving a user request (require a payment by the user for service) identifying a selected position within the map (user selects which of the images viewed on the monitors is to be recorded coupled to the video cameras 304a-304d, Fig 12) (col. 5, lines 52-65 and col. 10, line 55 to col. 11 line 7);
- identifying one or more sensors within the sensor array corresponding to the selection (user could change instantaneously which view is being recorded) (col. 9, line 54 to col. 10, line 5); and
- presenting to the user a multimedia experience based on one or more streams of data units (receive an overair broadcast video signal from each of cameras) associated with the selected sensors (user selects video signal from cameras 304a-304d, Fig 11) (col. 10, lines 28-44).

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Regarding claim 2, McClintock discloses more than one sensor (cameras 22a, 22b, 22c, and 22d, Fig 5) in the sensor array (a plurality of video camera 22, Fig 5) is identified, and wherein presenting to the user the multimedia experience (video viewing and recording) includes providing a multimedia experience based on streams of data received (receive an overair broadcast video signal from each of cameras) from each of the identified sensors (n cameras 304a to 304d, Fig 11) (col. 4, lines 62-66 and col. 10, lines 28-44).

Regarding claim 3, McClintock discloses managing the sensor array (a plurality of video cameras 22, Fig 5) and associating location information includes operating multiple camera systems (cameras 22a, 22b, 22c, and 22d, Fig 5) where the camera systems include a video capture system (video cameras) and a location provider system (viewstation 30, Fig 2) (col. 4, lines 62-66 and col. 5, lines 52-65).

Regarding claim 5, McClintock discloses operating the multiple camera systems (a plurality of video cameras 22, Fig 5) includes operating two or more systems that provide video (a plurality of video monitors 30, Fig 2) (col. 5, lines 52-65).

Regarding claim 8, McClintock discloses managing the sensor array (a plurality of video cameras 22, Fig 5) include managing more than one type of sensor (various sensors: roller coaster sensor 52, positional sensor 206, video camera 202) (col. 7, lines 32-46 and Fig 5, 7).

Regarding claim 14, McClintock discloses determining a permission level for the user (each user would pay in order to gain access to the system)(col. 7, lines 47-66).

Regarding claim 15, McClintock discloses determining the permission level includes determining a level of access to which the user has subscribed (each user could be supplied

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with a code index which informs the user of a unique identification code to join in the action)(col. 7, lines 47-66).

Regarding claim 16, McClintock discloses determining the permission level (regulates access) includes identifying sensors (coupled to a video system at various locations throughout the event venue) that are accessible and inaccessible to the user, and regulating access (regulates access) by the user in response to the permission level (user would key in with the remote control 116, Fig 6B)(col. 8, lines 18-31).

Regarding claim 17, this claim recites same limitations as claim 1. Thus it is analyzed and rejected as previously discussed with respect to claim 1 above.

Regarding claim 18, McClintock discloses notifying the user about the availability (user could change instantaneously which view is being recorded) includes enabling the user to receive to the stream of data units (receive an overair broadcast video signal from each of cameras) from the better matching sensor (user selects video signal from cameras 304a-304d, Fig 11) (col. 9, line 54 to col. 10, line 5 and col. 10, lines 28-44).

Regarding claim 19, McClintock discloses notifying the user about the availability (user could change instantaneously which view is being recorded) includes enabling the user to upgrade a permission level so that the user may receive a premium feed (each user would pay in order to gain access to the system)(col. 7, lines 47-66).

Regarding claim 20, McClintock discloses determining that the permission level supports access (regulates access) before enabling access the selected stream of data units (receive an overair broadcast video signal from each of cameras) (col. 9, line 54 to col. 10, line 5 and col. 10, lines 28-44).

Regarding claim 21, McClintock discloses presenting to the user the multimedia experience (video viewing and recording) includes combining the stream of data units (receive an overair broadcast video signal from each of cameras) with other streams of data units from other sensors (user selects video signal from cameras 304a-304d, Fig 11) in the sensor array (a plurality of video cameras 22, Fig 5) into a combined stream and enabling the client to access the combined stream (col. 9, line 54 to col. 10, line 5 and col. 10, lines 28-44).

Regarding claim 23, McClintock discloses combining the stream of data units (an overair broadcast video signal from each of cameras) includes enabling presentation of a simulated view from a location where no sensor is located (at remote site with a Video Walkman VCR modified to display various views and monitors various camera perspectives in real time)(col. 9, line 54 to col. 10, line 5).

Regarding claim 24, McClintock discloses presenting to the user the multimedia experience (video viewing and recording) includes performing intermediary processing on the selected stream of data units (an overair broadcast video signal from each of cameras) to generate an edited stream of data units and enabling the client to access the edited stream (user selects video signal from cameras 304a-304d, Fig 11) (col. 10, lines 28-44).

As to claims 25 and 37, these claims differ from claim 1 only in that the claim 1 is a method claim whereas claims 25 and 37 are apparatus. Thus the apparatus claims 25 and 37 are analyzed and rejected as previously discussed with respect to claim 1 above.

Regarding claims 26, 27, 28, 29, and 33, these claims recite same limitations as claims 13, 14, 15, 16, and 20, respectively. Thus they are analyzed and rejected as previously discussed with respect to claims 13, 14, 15, 16, and 20 above.

Regarding claims 30, 31, and 32, these claims recite same limitations as claims 17, 18, and 19, respectively. Thus they are analyzed and rejected as previously discussed with respect to claims 17, 18, and 19 above.

Regarding claims 34, 35, and 36, these claims recite same limitations as claims 21, 22, and 23, respectively. Thus they are analyzed and rejected as previously discussed with respect to claims 21, 22, and 23 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McClintock in view of Bernardo (US 2002/0047895).

Regarding claim 4, the limitations of claims 1 and 3 are taught above, McClintock does not explicitly disclose operating the multiple camera systems includes determining location information using at least one of a Global Positioning system receiver, a gyroscope, and a local beacon. However Bernardo does teach operating the multiple camera systems (digital

video cameras 10, Fig 1) includes determining location information (position information) using at least one of a Global Positioning system receiver (a GPS receiver 16, Fig 1), a gyroscope, and a local beacon ([0033]-[0034], Bernardo).

Thus, it would have been obvious to one of ordinary skill in the art to have included the GPS receiver as taught by Bernardo into McClintock's video viewing and recording system, as to provide a more accurate calculation of the position information ([0034], Bernardo).

Regarding claim 13, Bernardo discloses enabling the user to perceive and relating the perceived map (retrieved composite image and map) includes generating a web page (a particular web page Fig 16) enabling the user to navigate among the sensors (video camera) the sensor array (digital video cameras 10) and select the selected sensor in the sensor array ([0083]-[0086], Bernardo).

Thus, it would have been obvious to one of ordinary skill in the art to have included the web page as taught by Bernardo into McClintock's video viewing and recording system, as to provide a hyperlink for retrieving and displaying the composite images and association information preferably on a separate browser window ([0086], Bernardo).

11. Claims 6 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McClintock in view of Ritchey (US 5495576).

Regarding claim 6, the limitations of claim 1 are taught above, McClintock does not explicitly disclose managing the sensor array and associating location information includes operating multiple microphone systems, where the microphone systems include a sound capture system and a location provider system. However Ritchey does teach managing the sensor array (sensor array 36, Fig 5) and associating location information (sensors location)

includes operating multiple microphone systems (microphones 39a-39f, Figs 4-5), where the microphone systems (microphones 39a-39f,) include a sound capture system (acoustical system) and a location provider system (col. 10, lines 17-30 and col. 13, lines 24-60, Ritchey).

Thus, it would have been obvious to one of ordinary skill in the art to have included the acoustical system as taught by Ritchey into McClintock's video viewing and recording system, as to provide a multimedia system which could performing a spherical acoustical field of regard coverage about a location ([0034], Ritchey).

Regarding claim 22, Ritchey discloses combining the stream of data units includes presenting a three dimensional presentation (three-dimensional computer generated model that comprises the virtual reality system presented to a participant) (col. 7, lines 30-54, Ritchey).

Thus, it would have been obvious to one of ordinary skill in the art to have included the three dimensional presentation as taught by Ritchey into McClintock's video viewing and recording system, as to provide a virtual reality/telepresence panoramic three dimensional images associated a three dimensional audio systems ([0034], Ritchey).

12. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over McClintock in view of Ritchey and further in view of Bernardo (US 2002/0047895).

Regarding claim 7, the limitations of claims 1 and 6 are taught above, McClintock and Ritchey do not explicitly disclose operating the multiple camera systems includes determining location information using at least one of a Global Positioning system receiver, a gyroscope, and a local beacon. However Bernardo does teach operating the multiple camera

systems (digital video cameras 10, Fig 1) includes determining location information (position information) using at least one of a Global Positioning system receiver (a GPS receiver 16, Fig 1), a gyroscope, and a local beacon ([0033]-[0034], Bernardo).

Thus, it would have been obvious to one of ordinary skill in the art to have included the GPS receiver as taught by Bernardo into McClintock and Ritchey's video viewing and recording system, as to provide a more accurate calculation of the position information ([0034], Bernardo).

Allowable Subject Matter

13. Claims 9, 10, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Oya et al. (US 6,208,379) disclose a camera control system where the control system selects a camera from a plurality of cameras connected to a network, and displays an image taken by the selected camera and further performs control functions on the selected camera.
- Jain et al. (US 5,745,126) disclose a system contemplates making each and any viewer of a video or a television scene to be his or her own proactive editor of the

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scene, having the ability to interactively dictate and select a particular perspective by which the scene will be depicted, as and when the scene unfolds.

- Moezzi et al. (US 5,850,352) disclose a system contemplates telepresence and immersive video, being the non-real-time creation of a synthesized, virtual, camera/video image of a real-world scene, typically in accordance with one or more viewing criteria that are chosen by a viewer of the scene.
- Mottur et al. (US 7,199,817) disclose a methods and systems for providing fluid real-time camera control of at least one camera to at least one network user via a network including the Internet.

Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

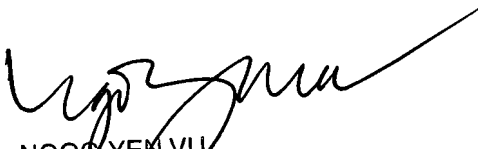
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KW

26 October 2007



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER